

Remarks

Upon entry of the foregoing amendment, claims 1-19 are pending in the application, with claims 1, 6, 11, and 16 being the independent claims. Minor amendments to independent claims 1 and 6 were made to follow a more consistent claim-drafting format. Amendments were also made to the specification to correct minor informalities. These changes introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

In the current Office Action, claims 1-5 and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,303,957 B1 to Ohwa (hereinafter, "Ohwa") in view of U.S. Patent No. 6,351,020 B1 to Tarabbia *et al.* (hereinafter, "Tarabbia"). Claims 6-15 were rejected as being unpatentable over Ohwa in view of Tarabbia, Applicant-admitted art, and U.S. Patent No. 4,335,359 to Kriedt *et al.* (hereinafter, "Kriedt"). Applicants respectfully traverse this rejection.

As stated by the Examiner on page 3 of the Office Action, Ohwa fails to teach or suggest "a P⁺ gate electrode formed over said thick oxide," as is claimed in independent claim 1, for example. Ohwa teaches an N⁺ doped gate electrode, which clearly teaches away from Applicants' claimed invention.

In describing FIG. 1, starting at col. 2, line 23, Tarabbia states:

The first curve 100 indicates capacitance as a function of the voltage applied to the top plate (the bottom plate being grounded) for a capacitor in which the top plate comprises n-type polysilicon (referred to herein as an n-type capacitor) while second curve 106 represents the capacitance characteristics of a capacitor utilizing p-type poly for the top plate (a p-type capacitor).

This appears to simply be providing a label for the capacitor as an "n-type capacitor" or a "p-type capacitor," depending on whether the top plate comprises n-type polysilicon or p-type polysilicon. This does not at all teach or suggest that "the impurity type for the top

plate depends on whether a P-type or an N-type capacitor is being formed," as is asserted in the Office Action. In fact, it teaches the opposite dependency. Hence, Tarabbia does not teach or suggest when to use "a P⁺ gate electrode formed over ... thick oxide", as is claimed in the independent claims of the current application. Nor does Tarabbia provide any motivation for the alleged combination to overcome the negative teachings of Ohwa. Therefore, it would not have been obvious for one of ordinary skill in the art to combine the teachings of Ohwa and Tarabbia to arrive at the presently claimed invention.

For at least the reasons stated above, independent claims 1, 6, 11, and 16, and the claims that depend therefrom (claims 2-5, 7-10, 12-15, and 17-19, respectively), are patentable over the cited art. Applicants respectfully request that the rejections to these claims be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Donald J. Featherstone
Attorney for Applicants
Registration No. 33,876

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600